IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09/03/2004

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THE HONOURABLE MR.JUSTICE R.JAYASIMHA BABU
AND
THE HONOURABLE MR.JUSTICE M.KARPAGAVINAYAGAM

W.P.No.5727 of 2004
and
W.P.M.P.No.6691 of 2004

Union of India, rep. by the
Commissioner of Central Excise,
Chennai-I Commissionerate,
121, Mahatma Gandhi Road,Chennai-600 034. .. Petitioner

-vs-

1. K.Varadarajan
2. The Registrar,
Central Administrative Tribunal,
High Court Campus, Chennai-600 104. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorari, calling for the records in
O.A.No.1005 of 2002 on the file of the Central Administrative Tribunal, the
2nd respondent herein and quash the order passed therein dated 29.8.2003.

!For petitioner : Mr.S.Krishnaswamy, SCGSC

^For Respondents: ---

:ORDER

(The Order of the Court was made by R.Jayasimha Babu,J.)
We do not see any merit in the matter. The man was appointed in 1972
. The doubt regarding his community arose only 20 years later in 199 2. The
basis for entertaining the doubt is nowhere stated except to assert that some
complaint was received. The fact that that complaint is under scrutiny does
not result in the certificate already produced and acted upon becoming illegal
or invalid. That has to await the outcome of the enquiry which is said to
have been initiated. Even the doubt which the Department claims to have
entertained was in the year 1992. Thereafter, 12 years have gone by.

2. The career of a civil servant is not to be put at the mercy of
persons who make complaints about his status, and the superior authorities who
proceed to deny benefits to which he is otherwise entitled, without being

certain as to whether there is genuine basis for the complaint.
3. If ultimately it is found that he is not eligible and that he had in fact produced a false certificate, he can be dismissed from service. But there is no reason at all for treating him as if he is in between two worlds being neither in the Department nor being out of it, by denying him promotion.
4. The writ petition is dismissed. W.P.M.P.No.6691 of 2004 is also dismissed.

Index: Yes
Web: Yes

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To
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